

THE ETERNAL LOVER

By EDGAR RICE BURROUGHS

ANOTHER TARZAN STORY

WILL BEGIN IN MONDAY'S EVENING WORLD

He was bald young man, smooth of face and twenty-nine years old. He lives at No. 147 East Fifty-fifth street, and is now in the motor car business.

In July, 1912, he was a bartender. Q. How long did you know Jack Rose? A. For several years. I met him at 273 Houston street, the Waldorf-Astoria Club. I was playing poker then. I've known Willie Shapiro for five or six years.

"On the morning of July 13 I went to the Garden Restaurant to see Vincent. I was on the corner of Seventh avenue. It was after 1 o'clock and I was waiting for Vincent to come out. I saw three people I knew—Jack Rose, Bridget Webber and Harry Vallon—standing by the door.

HEARD ROSE TELL HIM TO GET BUSY.

"Just then I heard Jack Rose say: 'Here he comes, put it over him.' Just then I saw Herman Rosenthal and a woman I afterward learned was his wife come out. I knew something was going to come off and I thought it was going to be something done to Herman, so I walked off. I didn't want to be there if anything did happen."

Q. Were you at the Elks Club on the morning of July 16, 1912?

A. Yes. I went to see Abe Gerson. When I came away a gray car was waiting. Shapiro was driving. Bridget Webber and Harry Vallon were in the car and Sam Scheppe was on the running board on the side from me. The car was going very fast eastward along Forty-third street.

Q. When did you first relate this incident, and to whom? A. The week of Becker's conviction I told it to Policeman Kelly of the Sixth Precinct. He was attached to the Elizabeth street station at that time.

The witness explained to Justice Goff that he had now come forward with his story because he felt it was only justice and right, but that he had hoped to be kept out of the case entirely.

DIDN'T TELL POLICEMAN ALL HE KNEW.

Mr. Whitman, who then cross-examined the witness, asked:

"Why did you tell Policeman Kelly?"

"Well, I was in the Criminal Courts Building to see whether Becker had been convicted, and I saw Kelly on the main floor."

"What did you say to Kelly?"

"I told him that I didn't think the people who did the shooting had been convicted."

Q. What else did you tell him? A. I can't remember just now.

Q. Did you say you saw Scheppe on the running board? A. No.

Q. Did you tell him you saw Vallon with a pistol in his hand? A. No.

Q. Did you tell him you saw Rose in the car? A. No.

Q. You didn't tell him anything except you saw the car? A. Yes, I told him that I didn't think the people who did the shooting had been convicted."

Q. No, but you'll remember after you got out, won't you? Why didn't you tell the Becker trial what you told Mr. Wahl? A. Because I was afraid.

Q. Afraid of whom? Of the District Attorney, the police, of Becker's friends, of the gunmen?

A. I don't know what I was afraid of. There's plenty in this town to be afraid of.

Q. Why were you afraid? A. Well, I heard so much of all sorts of shooting affairs I was afraid.

Q. But if you were afraid of the gunmen, your testimony would have helped them. Aren't you afraid now?

A. Well, I'm willing to risk one life to save four.

HE WANTED TO TELL STORY TO BECKER'S BROTHER.

Q. How was it you made up your mind Monday to go to Mr. Wahl?

A. I decided to call up John Becker, Charles Becker's brother, who is attached to the Thirty-sixth Precinct. But I could not get him on the telephone. On Tuesday I also called up, but he was out. I called on Wednesday morning. I didn't call him Wednesday or Thursday.

Q. Didn't your conscience trouble you? A. Yes.

The witness testified that Mr. Wahl, Charles Becker's attorney, had advised him to go to Judge Wahl.

Q. Why didn't you come to the District Attorney with the story? A. Oh, that'd be the end of my life. I'd never have the chance to get out of your office alive. They'd croak me on the steps, some of Rose's friends would.

Q. What time was it you were at the Elks Club? A. It was about half-past one.

Q. Where the District Attorney produced the affidavit of the witness and read to him that he had sworn to tell the truth?

A. Yes, I saw him. He said he didn't take any count of minutes, besides the questions of the District Attorney made him nervous. Dremer was sure it was I or a little after I that he was at the club.

Q. How long did you stay there? A. About twenty minutes, not longer.

Q. Then is your affidavit not true? You say he came to the District Attorney from the paper that you stayed at the club until about a quarter past two?

A. Yes, I heard no shot.

Q. Did you hear any shots fired? A. No.

Q. And yet you were at the Elks Club from about 1 o'clock until about a quarter past 2 and saw the motor car pass? A. Yes, but I heard no shot.

Q. Were you ever a stool pigeon for the police? A. No.

Q. Ever do any detective work? A. I once pointed out to the Pinkerton people a man who had sold some stolen goods.

Q. Now, how many people did you see in the gray car? A. I've told you I saw Webber, Vallon and Scheppe and Shapiro at the wheel. There were two or three others in the car, but I don't know them.

Q. Was the car going forty miles an hour? A. Oh, no.

Q. How did the driver look? A. He was a man of about 35 years of age, dark hair, wearing a suit and tie.

Q. Did you see the license plate? A. No.

Q. Did you see the make of the car? A. No.

Q. Did you see the color of the car? A. No.

Q. Did you see the name of the driver? A. No.

Q. Did you see the name of the owner? A. No.

Q. Did you see the name of the person who was with him? A. No.

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doorway of the Garden restaurant, when he went to see his friend Vincent, bartender there, about a job. He was very close to him, and first statement that as soon as he had heard Rose utter the threatening intonation to his companions to "put it over Rose," he had crossed the street and walked away, afraid of being "mixed up" in anything that was going to be "pulled off."

ADMITTED HE WAS AFRAID OF JACK ROSE.

In indirect examination Dremer admitted that he was afraid of Rose and that this had until now sealed his mouth.

William E. Burwell, the Millard expert, who swears he saw Rosenthal shot, was then called to the witness chair.

Burwell is of medium height, with dark hair and a high forehead. He, too, is smooth-shaven. In answer to Judge Wahl's questioning he related the story of the shooting of Rosenthal as he saw it and as he had already related it in his affidavit. He testified in part:

"The man who did the shooting was smooth shaven and had on a black felt hat. I saw him fire two shots at the man who came out of the restaurant. He was about 35 years of age, dark hair, wearing a suit and tie. He walked quickly across the street to the automobile. Then there were three or four shots after he fired, but I couldn't tell where they came from."

The first question Mr. Whitman asked in cross-examination of the witness was whether he knew three men who were asked to stand up in the rear of the courtroom. They were detectives and the witness admitted that he knew them and he smiled.

Q. How many times have you been convicted of crime? A. About eight times.

Q. Aren't you known as the St. Louis Kid? A. Only in billiard circles.

Mr. Whitman then asked the witness specifically about various infractions of the law which had got him into the hands of the police. There were branches of the law in 1908, indecent conduct toward a girl in 1910, drugging a girl and stealing a diamond ring from her in 1911, and selling a pawn ticket for the girl's ring in Connecticut. Burwell treated all his experiences with the police in a cool indifference.

The witness said that he did not see the man who shot Rosenthal get into the gray motor car.

Q. Did you see anyone in the car? A. I did not see there must have been someone in it.

COULD ONLY REMEMBER POLICEMAN'S FACE.

Q. Did you see any face that night that you'd recognize again? A. Only that of the policeman who came running from Times Square.

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